

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Stearns et al. Art Unit: 3764
Serial No.: 10/047,943 Examiner: Crow
Filed: 01/15/02
Title: EXERCISE METHODS AND APPARATUS

Certificate of Facsimile Transmission

I hereby certify that this TERMINAL DISCLAIMER is being sent via facsimile number (571) 273-8300 to the Commissioner for Patents, Attn: Art Unit 3764, on this 25th day of October, 2006.

MAKUL
Mark A. Krull

TERMINAL DISCLAIMER TO OBIATE BOTH A DOUBLE PATENTING
REJECTION OVER A PRIOR PATENT AND A PROVISIONAL DOUBLE
PATENTING REJECTION OVER A PENDING REFERENCE APPLICATION

Commissioner for Patents
Attn: Art Unit 3764

Dear Sir:

Through their attorney of record, and only to the extent required by law, Kenneth W. Stearns and Joseph D. Maresh, the owners of 100% interest in the instant application, hereby:

(A) Disclaim the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of (1) "Prior" Patent No. 6,338,698 and/or (2) any patent granted on pending "Reference" Application No. 11/476,989, filed on June 27, 2006, as each respective term is defined in 35 U.S.C. 154 and 173, and as each respective term is presently or may subsequently be shortened by any terminal disclaimer; and

10/27/2006 AWONDAF1 00000105 503965 10047943

01 FC:2814 65.00 DA

(B) Agree that any patent granted on the instant application shall be enforceable only for and during such period that it is commonly owned with the above-identified Prior patent and with any patent granted on the above-identified Reference application, and that this agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

Respectfully submitted,

MAKUL
Mark A. Krull
Reg. No. 34,205